IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 15017 of 2005

Between:

1 M.Ranganayakulu, S/o.Ugranarasimhulu,
R/o.6/51, JK Road, Pulivendula, Cuddapah Dist.

2 M.Lakshminarasimhulu Gupta, S/o.M.V.Narasimhulu,
R/o.1/3381, JK Road, Pulivendula, Cuddapah Dist.

3 D.Subramanyam, S/o.Madduleti,
R/o.6/66,, JK Road, Pulivendula, Cuddapah Dist.

4 P.Sudhakar, S/o.Venkatasubbaiah,
R/o.1/3399, Muddanur Road, Pulivendula, Cuddapah Dist.

5 Y.Tulasi Sujatha, W/o.Y.Gangi Reddy,
R/o.H.No.4/79, &2, J.K.Road, Pulivendula, Cuddapah Dist.

6 Chintakunta Venkatalakshmamma, W/o.Narasimha Reddy,
R/o.H.No.3/318, 319, 320 & 321, JK Road, Pulivendula, Cuddapah Dist.

..... PETITIONER(S)

AND

1 The Pulivendula Municipality, Pulivendula, Cuddapah District, rep.by its Commissioner.
2 The Executive Engineer, Roads & Buildings, Pulivendula, Cuddapah District.
3 The Mandal Revenue officer, Pulivendula, Cuddapah District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, or order holding that the action of the respondents in trying to demolish the portion of the premises of the petitioners bearing D.Nos. 6/51, 1/3381, 6/66, J.K.Road, 1/3399 Muddanur Road, 4/79-1 & 2 and 3/318, 319, 320 & 321 J.K Road, Pulivendula, respectively, as illegal, arbitrary, unreasonable and opposed to Article 300-A of the Constitution of India and further direct the Respondents to acquire the same under land Acquisition Act.

Counsel for the Petitioners:MR.K.SOMA KONDA REDDY

Counsel for the Respondent No.1: MR.S.I.NEWTON

Counsel for the Respondents 2 & 3: GP FOR ROADS & BUILDINGS

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Roads and Buildings for the 2nd and 3rd respondents. Both of them agreed to dispose of the present writ petition at the admission stage itself.

Petitioners, who claim to be the owners of premises bearing Nos.6/51, 1/3381, 6/66, 1/3399, 4/79-1 and 2, 3/318, 319, 320 and 321 situated at J.K.Road, Pulivendula, filed the present writ petition complaining that the officials of the 1st respondent-Corporation without following the due procedure, are trying to demolish the premises in question for widening of the road.

This Court in **PILLI LAKSHMANA RAO AND OTHERS v. EXECUTIVE OFFICER, GRAM PANCHAYAT, CHALLAPALLE AND OTHERS** held that when the property is required for public purpose viz., for widening of roads or for any other purpose, the authorities shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

In view of the same, the respondents without following the due procedure cannot demolish the property in question. In other words, the respondents are at liberty to initiate proceedings either under the Land Encroachment Act or any other Act for due eviction of the petitioners, if their occupation is unauthorized.

The writ petition is accordingly, disposed of.

12th JULY, 2005.

Note: furnish c.c. by wire at

Party's costs.

B/o

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To

1 The Commissioner, Pulivendula Municipality, Pulivendula, Cuddapah District.
2 The Executive Engineer, Roads & Buildings, Pulivendula, Cuddapah District.
3 The Mandal Revenue officer, Pulivendula, Cuddapah District.

4 Two CCs to the Government Pleader for Roads & Buildings, High Court of AP., Hyderabad. (OUT).

5 Two CD copies.